

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

DERRICK EVANS,

*Plaintiff,*

v.

THE HUFFINGTONPOST.COM, INC. and  
ASHLEY FEINBERG,

*Defendants.*

Civil Action No.: 1:19-CV-00536-HSO-JSG

**DECLARATION OF VICTOR BRAND IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

I, Victor Brand, declare the following, pursuant to 28 U.S.C. § 1746:

1. I am employed by TheHuffingtonPost.com, Inc. ("HuffPost"), as Deputy Managing Editor of HuffPost, a news and opinion website accessible at [www.HuffPost.com](http://www.HuffPost.com). My duties include overseeing matters of style, including adherence to the HuffPost Style Guide, and addressing other matters related to HuffPost's journalistic policies and standards.

2. I submit this Declaration in support of HuffPost's motion to dismiss this action for lack of personal jurisdiction. This Declaration is based upon my personal knowledge and my review of books and records of the company maintained in the ordinary course of business. I am fully competent to testify concerning the matters set forth herein.

3. HuffPost is a corporation duly organized and existing under the laws of Delaware. It maintains its principal place of business, consisting of the business and editorial headquarters for HuffPost, in New York, New York.

**EXHIBIT  
A**

4. HuffPost is not registered to do business, and does not conduct business in Mississippi. It does not maintain an office or employees, or own real estate or bank accounts in Mississippi. HuffPost does not employ journalists who specifically monitor newsworthy events in Mississippi. HuffPost has freelance relationships with two (2) individuals who reside in Mississippi (out of a nationwide total of 1,057 freelancers). Neither individual has provided HuffPost with any material relating to Mississippi. Nor did either play any role in publication of the article that is the subject of this lawsuit.

5. The HuffPost website, [www.HuffPost.com](http://www.HuffPost.com), is a global online news and media platform, with United States and international editions. The site currently offers news, and other original content, and covers local and international news, politics, business, entertainment, the environment, technology, popular media, lifestyle, culture, comedy, healthy living, and women's interests stories.

6. The HuffPost website can be accessed anywhere in the world by anyone with an Internet connection. HuffPost does not aim any of its content specifically at Mississippi readers, and does not solicit advertisers directly targeting Mississippi residents.

7. Anyone can access content on HuffPost without charge. Readers can also, without charge, create an account with HuffPost by providing their first and last name, date of birth, and email address. Account registration provides the reader access to certain enhanced features, such as the ability to bookmark articles for future reference, but does not provide any greater access to content on the website than that available to visitors who do not register.

8. In April 2019, HuffPost implemented HuffPost Plus membership, for readers who wish to support HuffPost's journalism through ongoing financial contributions. By contributing a small amount on a monthly (or annual) basis, HuffPost Plus members receive certain exclusive

benefits, including discounts on HuffPost merchandise, access to member-only newsletters, and fewer advertisements on mobile applications. HuffPost Plus members, however, have the same access to articles and other content on the website as do occasional visitors to the site or readers who register their email address with HuffPost. HuffPost Plus members are asked to provide their home address when signing up to be contributors. Of the approximately 1,000 HuffPlus members, two (2) members, or .19% of the total, provided a Mississippi address when signing up as regular contributors.

9. HuffPost readers are allowed to post comments on certain articles, and other readers are allowed to respond to the comments. HuffPost uses the services of a third-party vendor to moderate comments for abusive or other improper content, consistent with HuffPost's Terms of Use. Although its policies are subject to change in the future, HuffPost's reporters do not currently respond to reader comments or otherwise interact with readers leaving comments.

10. The article, "Former Student: Brett Kavanaugh's Prep School Party Scene Was 'Free-For-All.'", which is the subject of this suit (the "Article"), was published online on September 20, 2018 from HuffPost's editorial offices in New York City. The former HuffPost reporter who wrote the Article, Ashley Feinberg, was employed by HuffPost in its New York City headquarters.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16 day of October, 2019

  
VICTOR BRAND

